

Weber River Water Rights Committee

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February 4, 1993

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WATER RIGHTS
SALT LAKE

Mr. Robert Morgan
Office of the State Engineer
1636 West North Temple
Salt Lake City, Utah 84116

RE: Expansion of Weber-Provo Diversion Facilities by Provo River
Water Users Association

Dear Mr. Morgan:

This letter is written by the Weber River Water Rights Committee (the "Committee"), which has been authorized by its members to submit this letter on their behalf, because of the concern about the proposed utilization of the newly installed Weber River-Provo River diversion facility which was recently constructed by the Provo River Water Users Association (the "Association"). As you know, we have met with your office and with the Association on this matter and voiced our strong concern regarding the potential for an increased diversion of water from this new facility, radically departing from past historical diversions.

It should be stated up front that the Committee and its members do not dispute the right of the Association to divert what it has historically diverted for the Provo River Project, including storage of water in Deer Creek Reservoir. The Committee, however, seriously objects to action by the Association to significantly increase its diversion based on the water rights held by the Association or the Bureau of Reclamation. It is the position of the Committee that the authorization for the special appropriation under Utah Code Ann. §§ 73-3-16 and 17 is limited to the amount of water placed to beneficial use through the facilities constructed at the time proof was submitted, and the capacity of the system, including storage facilities, cannot now be expanded or modified to increase diversion therein allowing an open-ended increase which will interfere with other vested water rights. It is obvious that even in times of drought, there have been sufficient flows under the current diversions to fill the Deer Creek Reservoir. Last year is a prime example wherein, after five years of subnormal snowpack, Deer Creek Reservoir, diverting again only its historic amount of water from the Weber system, was full and, in fact, spilling.

Also, it is imperative from the Committee's point of view that there is no utilization of water diverted by the Association, either directly or indirectly, to bolster or enhance the water rights of the Bureau of Reclamation's Central Utah Project to the

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detriment of the Association or its members. The Jordanelle Reservoir, and any relationship of storage in the Jordanelle Reservoir to the Provo River Project, was clearly not contemplated under the original water rights for the Provo River Project. It would seem to the committee that any contemplated increase in Weber River Diversions could only be based upon an assumption that there would be an exchange, either directly or indirectly, for the enhancement of the Central Utah Water Conservancy District in filling the Jordanelle Reservoir. The Committee feels that such action would be an illegal expansion of the existing water rights of the Association. It appears to the Committee that any attempt by the Association, the Central Utah Conservancy District or the United States Bureau of Reclamation to enhance the ability of the Jordanelle Reservoir to be filled based by increased diversions from the Weber River is a violation of the intent and authorization of the Provo River Project water rights and the Committee, and its members, will take whatever action it deems necessary to protect against such an interference. Further, it is the position of the Committee that any exchange agreement, operating criteria or other formal relationship established between the Association, Central Utah Water Conservancy District and/or the Bureau of Reclamation related to the filling and storage of the Jordanelle and Deer Creek Reservoir storage should be considered a formal action subject to the jurisdiction of the State Engineer requiring appropriate exchange, change or other applicable procedures.

Given these concerns and the clear fact that increased diversions by the Association would radically alter the historic practice of diversions by the Association and, given the fact that such diversion would adversely affect the water rights of the Committee members, particularly of the Weber Basin Water Conservancy District, the Committee respectfully requests your office to impose upon the Association and the United States Bureau of Reclamation a restriction on any increase of diversions from the new facility above the historic diversions.

We earnestly await your response and consideration.

Sincerely,

WEBER RIVER WATER RIGHTS
COMMITTEE



Joseph Dawson
Chairman

JD/sm